

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OLAY CO.,

Plaintiff,

-against-

AMBROSIA OWEN, et al.,

Defendants.

21cv01784 (VSB) (DF)

**SCHEDULING ORDER  
FOR A DAMAGES INQUEST**

**DEBRA FREEMAN, United States Magistrate Judge:**

On July 12, 2021, the Honorable Vernon S. Broderick, U.S.D.J., referred this case to this Court for the purpose of conducting an inquest, with respect to the amount of damages that should be awarded to Plaintiff upon the default of the 60 remaining defendants in this case specifically: Ambrosia Owen, BERICHER Again Again, bgh7, bounetwdthga, chenbohuan2418, chenmingzhen1989, Cheryl Klein, Clothing men's women's maternal and infant stores, Costume rider, Courtney Steele, csfiusyfisdf, Dorothyxs, Earl Vaughan, Fkdmtjsoie589345, gexiaoting85785, gftydsetgv, HanYongMaoYi, huchunyang4578, Jessemg1, jiangcheng780, Kmzka, liangchangmi147258, limengkun, liping870624, liqian1994, liyuanli6666, lvchao88988, Manueltt, mayanning274324, Ming Xiao8869, Minhuiing coats, mmxhnly, NNbupShop, OH MY GODNESS, pengpenger, Qinmeicheng0216, ruifs, Sad dimension 520 Watch, shili1426, shiyan55667, suyuqi0188, Suzette, Tee PKL, Tim Daly, tingting65892345, tryh~6677, wangbing556, wangmiib, wangyiling123, wangyuyan1234, wuduilingtao, Wuyuan123, wuzongxin66885, xiangyuanwei, xiaotianxipu, xinpianzhang, zhang2010, zhangerpeng11, zhangsungong32019, and zhangxinran60 (collectively, “Defendants”). Accordingly, it is hereby ORDERED that:

1. No later than October 27, 2021, Plaintiff shall file Proposed Findings of Fact and Conclusions of Law concerning damages (“Proposed Findings”), and file proof of service of its Proposed Findings on Defendants, by means reasonably calculated to reach them. Plaintiff shall also include, with such service, a copy of this Order.

2. Plaintiff’s Proposed Findings should specifically tie the proposed damages figure(s) to the legal claim(s) on which liability has now been established; should demonstrate how Plaintiff has arrived at the proposed damages figure(s); and should be supported by a sworn affidavit, or a declaration under penalty of perjury, that attaches as exhibits and contains an explanation of any documentary evidence that helps establish the proposed damages.

3. Further, to the extent that Plaintiff seek attorneys’ fees and litigation costs, Plaintiff’s submissions should:

a. provide copies of Plaintiff’s attorneys’ contemporaneous time records, so that this Court may assess whether the requested fees are reasonable, *see New York Ass’n for Retarded Children, Inc. v. Carey*, 711 F.2d 1136, 1148 (2d Cir. 1983);

b. address the reasonableness of the hourly rates of the attorneys working on the matter and their support staff, *see Arbor Hill Concerned Citizens Neighborhood Ass’n v. Cnty. of Albany*, 522 F.3d 182, 190 (2d Cir. 2008); and

c. provide copies of invoices or other documentation substantiating the amount of costs that have been incurred.

4. Defendants shall submit a response, if any, to Plaintiffs’ submission no later than November 30, 2021. If any of the Defendants is a corporate entity, such defendant is cautioned that it may not appear in this Court without an attorney, and, therefore, any response that it may

seek to file, including any request for a hearing on damages, *must be made through counsel* for that response to be considered by the Court.

5. IF DEFENDANTS FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS BY NOVEMBER 30, 2021, THEN THIS COURT WILL PROCEED TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF PLAINTIFF'S WRITTEN SUBMISSION ALONE. FURTHER, THIS COURT WILL NOT HOLD A HEARING ON DAMAGES, UNLESS THE DEFENDANTS REQUESTS A HEARING, IN WRITING, BY NOVEMBER 30, 2021. *See Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991) (Fed. R. Civ. P. 55(b)(2) "allows but does not require . . . a hearing"); *Fustok v. ContiCommodity Servs. Inc.*, 873 F.2d 38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.").

Dated: New York, New York  
September 27, 2021

SO ORDERED



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DEBRA FREEMAN  
United States District Judge

Copies to:

Plaintiffs' counsel (via ECF)